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1989 SURVEY ON STATE COMMISSION REGULATION OF WATER AND SEWER SYSTEMS

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EXECUTIVE SUMMARY

This report provides the results of a survey conducted by The National Regulatory Research Institute in the first quarter of 1989. The survey, which combined a mailed questionnaire and telephone interviews, was directed to state public utility commission staff involved in the regulation of water and sewer systems. The results made it possible to construct a comprehensive picture of the scope of commission jurisdiction over water and sewer systems as well as to compile an accurate accounting of the number of regulated water and sewer systems for 1989. The survey also provides a sampling framework for further analysis of regulation, deregulation, and regulatory alternatives. The report can serve as a reference source for commissioners, staff members, and researchers concerned with water and sewer systems and their regulation.

Forty-six state public utility commissions have authority to regulate water systems and twenty-eight have authority to regulate sewer systems. Eighteen commissions provide criteria for exempting certain investor-owned water systems from regulation. Twenty-eight commissions have adopted procedures to reduce the regulation of investor-owned water systems. Nationally, there are 9,936 jurisdictional water systems and 2,304 jurisdictional sewer systems. Regulated components of combination water and sewer systems are counted in these totals. Systems that are not regulated by the commissions are not counted. Forty-six percent of the regulated water systems (4,527) and 61 percent of the regulated sewer systems (1,410) are investor-owned. The next largest category is comprised of regulated municipal systems. Districts, cooperatives, homeowners' associations, and a few other types of systems are also regulated by some of the states. The scope of commission jurisdiction over water and sewer systems varies from state to state. In the forty-six states with authority over investor-owned systems, the commissions regulate rates, process consumer complaints, and require periodic reports from the jurisdictional investor-owned systems. Not all of these commissions, however, issue and revoke certificates of convenience and necessity, approve finances, or approve changes in corporate ownership and structure. For the twenty-seven states that regulate investor-owned sewer systems, the configuration of authority is comparable. For the several other types of jurisdictional water and sewer systems, the scope of commission authority varies considerably.

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FOREWORD

State public utility commissions and federal and state water supply and protection agencies have expressed a need to have valid, reliable, and timely comparative data on the scope of commission jurisdiction over water and sewer systems. This report supplements the valuable information on water and sewer regulation reported in the NARUC *Annual Report on Utility and Carrier Regulation* and provides a comprehensive reference source on this area of commission authority. It also serves as a first step in a forthcoming NRRI study of regulation, deregulation, and regulatory alternatives for water utilities.

Douglas N. Jones
Director
Columbus, Ohio
May 1, 1989

ACKNOWLEDGEMENTS

This report was made possible by the dedicated commission staff members in the water and sewer area who took time out of busy schedules to respond to the mailed survey and follow-up telephone calls. Thanks to them, this is one of the rare occasions that researchers can boast of a 100 percent response rate, a fact that greatly enhances the usefulness of the study. Appreciation is also extended to David Wagman for editorial assistance and to Carole Prutsman and Wendy Windle for clerical support.

SECTION I

HIGHLIGHTS OF THE SURVEY

Introduction

The regulation of water and sewer services is growing in complexity. Economic and environmental forces, along with the persistent problems of small water systems, are largely responsible. Concern about water among regulators at all levels--federal, state, and local--is also growing, along with the need for comprehensive and timely data about the scope of jurisdiction and the number of water and sewer systems currently regulated by the state public utility commissions.

As part of an investigation of regulation, deregulation, and regulatory alternatives in the water utility area, The National Regulatory Research Institute (NRRI) surveyed all of the state public utility commissions about their authority over water and sewer systems. The survey was completed during the first quarter of 1989 with a response rate of 100 percent. Publishing the results in this report makes the data readily and widely available to regulators and researchers concerned with state commission regulation of water and sewer systems.

This first section provides an overview and summary of the survey findings. Section II reports comparative information on commission jurisdiction, exemptions for investor-owned utilities, and procedures for reducing regulation. Sections III and IV contain comparative data on commission regulation of water systems and sewer systems, respectively. Section V is the survey instrument. Section VI is the list of contact persons involved in commission regulation of water and sewer systems who responded to the NRRI survey.

Method

This investigation began with a questionnaire mailed to key staff members at the state public utility commissions involved in the regulation of water and sewer systems. The survey instrument was designed to develop a sampling framework for a study of regulatory alternatives, including deregulation. Hence, many aspects of the survey were designed to detect changes in regulatory approach and identify water systems suitable for comparison "before" and "after" alterations in commission oversight. Some of the more detailed data are not included in this report. The purpose here

is to identify the scope of commission jurisdiction and provide an accurate accounting of the number of regulated systems.

The survey was completed by forty-six public utility commissions, including the Virgin Islands Public Service Commission.[1] With the exception of the Texas Water Commission, these agencies also have jurisdiction over other public utilities. Because they exercise no authority over water or sewer systems, data were not collected for the following jurisdictions:

District of Columbia
Georgia
Minnesota
Nebraska
North Dakota
South Dakota
Puerto Rico

The few states that did not complete the mailed questionnaire completed the survey in a telephone interview. In addition, most of the state contacts also participated in a follow-up telephone interview to give respondents an opportunity to verify and expand upon information reported in the survey. The accuracy of the data was enhanced greatly by this approach. Many states also provided additional documentation on the research issues addressed by the survey.

Respondents were asked about the scope of their authority and the number of regulated water systems, sewer systems, and combination water and sewer systems in their respective states. The survey data represent only water and sewer systems for which the state commissions exercise some degree of regulatory authority. Systems entirely exempt from commission regulation, for whatever reason, are not included. Thus, the total number of systems operating within the states is far greater than the number of systems reported here.[2] Commission authority normally extends to water

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[1] The Virgin Islands and Puerto Rico both regulate public utilities, although Puerto Rico stopped regulating water systems in 1987. Throughout this report, the terms "states" and "commissions" are inclusive of the territories.

[2] The total number of water systems nationally is nearly 60,000. See Wade Miller Associates, Inc., *The Nation's Public Works: Report on Water Supply* (Washington, D.C.: National Council on Public Works Improvement, May 1987) and Frederick W. Immerman, *Final Descriptive Summary: 1986 Survey of Community Water Systems* (Washington, D.C.: Office of Drinking Water, U.S. Environmental Protection Agency, October 1987).

service or sewer service regardless of whether the provider is a stand-alone or a combination entity. Data regarding jurisdictional combination water and sewer systems were recorded separately but these were also included in the appropriate totals for both water systems and sewer systems throughout this report. How a combination system is counted, however, depends on commission authority. For example, if a commission only regulates the water portion of a combination system, the system would be counted among water systems but not included among sewer systems. Although this approach may at times blur the distinction between stand-alone and combination systems, it also provides a more accurate accounting of the number of jurisdictional systems.[3]

The survey inquired about the following system types:

Investor-owned
Municipal
County
Water districts
Cooperatives
Homeowners' associations
Indian tribes
Fire districts
Other (specified)

None of the commissions surveyed reported jurisdictional water or sewer systems operated by Indian tribes. Maryland and New Mexico were the only states reporting authority over county systems, as noted with the data on municipal systems. The only fire districts reported were water and fire districts in Massachusetts, as noted with the data on water districts.

In addition to ascertaining how many regulated systems fall within each of the different types, the questionnaire was also designed to find out about the scope of commission authority in six key areas:

Certificates: Commissions may have the authority to issue or revoke certificates of convenience and necessity, or their variant, to water or sewer utilities for the purpose of entering a market, expanding service, or building new facilities.

[3] A consequence of this approach is that the totals for water systems and sewer systems are not additive, as this would result in a double counting of combination water and sewer systems.

Rates: Rate regulation is at the center of public utility regulation by the states. It involves determining revenue requirements and rate design, which ultimately determine how much customers will pay for water or sewer service.

Finances: Commission regulation may extend to regulating utility finances. This authority may encompass commission approval of debt and equity ratios, the issuance of stocks, bonds, and dividends, and specific financial arrangements for system projects.

Ownership: Commission approval may be required if a utility seeks a major change in corporate structure or ownership. This authority may involve such areas as mergers and acquisitions, diversification, and the transfer of utility assets.

Complaints: Commissions may provide a forum for customers to bring complaints about service against a utility. Complaints may concern such things as bill discrepancies, disconnection, or service quality and may be resolved informally or through a formal hearing process.

Reporting: Commission jurisdiction may require the filing of annual or other periodic reports by regulated water or sewer systems. Reports may concern financial, operational, or planning data. Commission staff may also have access to utility books and records.

In addition to ascertaining the scope of regulation and the number of water and sewer systems regulated, the survey also included questions about exemption from regulation for investor-owned water systems, and procedures adopted by the commissions for reducing regulation of investor-owned water systems. The exemption data can be interpreted to mean that absent an exemption, the water system in question would be regulated as an investor-owned system. For example, some states regulate cooperatives as investor-owned systems if they sell water outside their membership. Thus, cooperatives that do not sell outside their membership are exempt from commission regulation. The data on procedures encompass any measure designed to simplify or reduce the cost of regulating investor-owned water systems.[4]

[4] Reports of The National Regulatory Research Institute (Columbus, Ohio) that speak to these issues include: Patrick C. Mann, *Water Service: Regulation and Rate Reform* (1981); Raymond W. Lawton and Vivian Witkind Davis, *Commission Regulation of Small Water Utilities: Some Issues and Solutions* (1983); Vivian Witkind Davis, J. Stephen Henderson, Robert E. Burns, and Peter A. Nagler, *Commission Regulation of Small Water Utilities: Outside Resources and Their Effective Uses (1984);* and David C. Wagman and Raymond W. Lawton, *An Examination of Alternative Institutional Arrangements for Regulating Small Water Utilities in Ohio: An Abridgement* (1989).

Highlights

According to the survey, and as expected, all forty-six commissions in the sample have authority over investor-owned water systems. Only one-third of these, however, also have authority over municipal water systems, and far fewer regulate other types of water systems. Commission authority over sewer systems is much more limited, with twenty-eight commissions regulating investor-owned sewer systems. The number of states with authority over the different types of water and sewer systems is summarized in tables 1-1 and 1-2 and illustrated in figure 1-1 at the close of this section.

An important source of variation in state jurisdiction is the use of criteria for exempting water systems from regulation. For investor-owned systems, exemptions sometimes are based on the size of systems, but they can also be based on geographic, political, and other criteria. As illustrated in figure 1-2, eighteen commissions provide some sort of exemption. Of the eighteen, four determine exemptions by using size criteria, such as the amount of operating revenues, the number of customers, or the number of service connections, and six use criteria other than size. Eight commissions specify both a size criterion and some other condition for exempting investor-owned systems from regulation. Not all exempt systems are totally exempt from commission oversight. Five commissions--Arkansas, Connecticut, Florida, Michigan, and Virginia--retain some form of authority over exempt investor-owned water systems.[5] Twenty-eight commissions provide no exemptions for regulated investor-owned water systems.

Also illustrated in figure 1-2 is the finding that twenty-eight commissions have adopted at least one procedure to reduce the regulation of investor-owned water systems. The most common form of regulatory reduction is simplified rate filings, implemented by twenty of the commissions. Twelve commissions have reduced regulation by means of simplified reporting procedures and nine commissions use simplified hearings. Ten commissions have adopted additional regulation-reduction measures, such as waiving the need for attorney representation at hearings, providing counseling and

[5] A few states try to monitor the exempt systems through the use of periodic surveys.

TABLE 1-1

COMMISSION-REGULATED WATER SYSTEMS:
NUMBER OF STATES AND NUMBER OF SYSTEMS

Type of Water System	Number of States Regulating the System	Number of Systems
Investor-owned	46	4,527
Municipal	15	2,615
Water districts	9	1,176
Cooperatives	13	1,349
Homeowners' associations	9	114
Other	7	155
TOTAL SYSTEMS	-	9,936

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6. Data include combination water and sewer systems.

TABLE 1-2

COMMISSION-REGULATED SEWER SYSTEMS:
NUMBER OF STATES AND NUMBER OF SYSTEMS

Type of Sewer System	Number of States Regulating the System	Number of Systems
Investor-owned	28	1,410
Municipal	7	659
Sewer districts	4	169
Cooperatives	6	58
Homeowners' associations	4	0
Other	3	8
TOTAL SYSTEMS	-	2,304

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6. Data include combination water and sewer systems.

assistance to the utilities, and consolidating the management of several small utilities.

The number of regulated water systems and sewer systems by type of system is reported in tables 1-1 and 1-2 and illustrated in figures 1-3 and 1-4. The survey revealed that the state public utility commissions have authority to regulate 9,936 water systems and 2,304 sewer systems. Combination systems are counted in both of these totals, although these data are disaggregated in the comparative state tables found later in this report. Figures 1-2 and 1-3 reveal that investor-owned systems comprise the largest category of systems, followed by municipal systems and the "other system" types. These numbers must be used with care because of the unique ways that some states count certain systems. Texas, for example, regulates homeowners' associations as investor-owned systems and counts them as such. Four states have authority to regulate sewer systems operated by homeowners' associations, but the total for this type remains zero because they are counted elsewhere or are not operating at the present time in some states.

Of course, the number of systems regulated varies a great deal among the states. As illustrated in figures 1-5 and 1-6, twenty states regulate 50 or fewer water systems, and sixteen states regulate 50 or fewer sewer systems. Maps of the United States in figures 1-7 and 1-8 provide the number of water systems and sewer systems regulated in each state. Texas is first with 3,734 regulated water systems and 693 regulated sewer systems. The number of regulated water systems exceeds 400 in Arizona, Illinois, Mississippi, New York, Texas, and West Virginia. The number of regulated sewer systems exceeds 150 in Florida, Kentucky, Louisiana, Texas, and West Virginia.

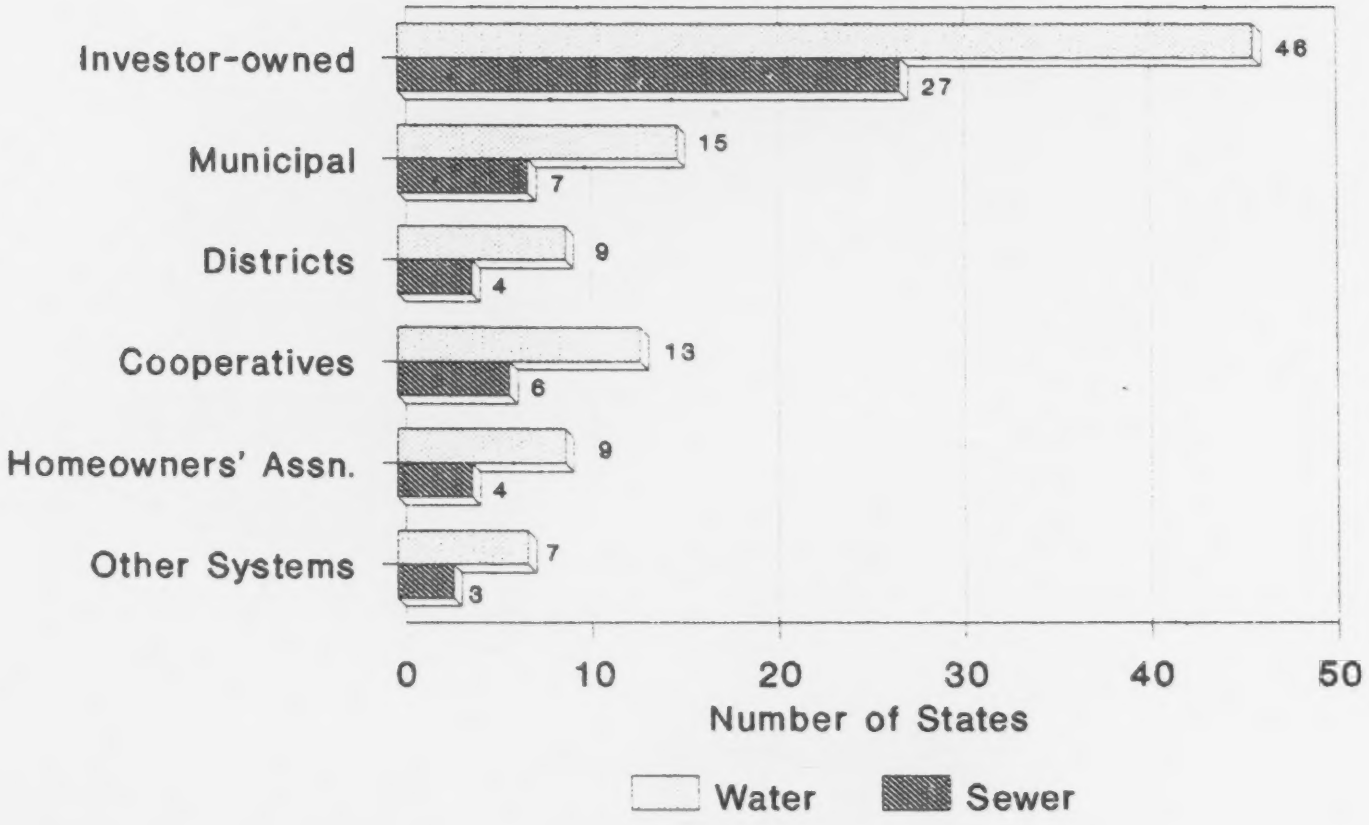
Distinctions among the states in terms of the scope of their authority is of obvious importance. As illustrated in figure 1-9, all forty-six of the commissions that regulate investor-owned water systems have authority to approve rates and to process consumer complaints. They also require periodic reports from jurisdictional investor-owned water systems. Some commissions, however, report that they do not have authority to issue or revoke certificates of convenience and necessity (eleven commissions do not), approve finances (six commissions), or approve changes in corporate ownership or structure (five commissions). For the twenty-seven states that

regulate investor-owned sewer systems, the configuration of authority is comparable.[6] For the several other types of jurisdictional water and sewer systems, the scope of commission authority varies considerably from state to state.

Because of the many variations in regulation by the commissions--some subtle and some not so subtle--comparative state data must be used with care. Explanatory notes are available to assist the reader. Nonetheless, the information and data in this report should provide a comprehensive and timely resource on the regulation of water and sewer systems by the state public utility commissions. The remainder of this section is devoted to the graphic summaries of the findings, after which attention turns to the sections reporting state-by-state data.

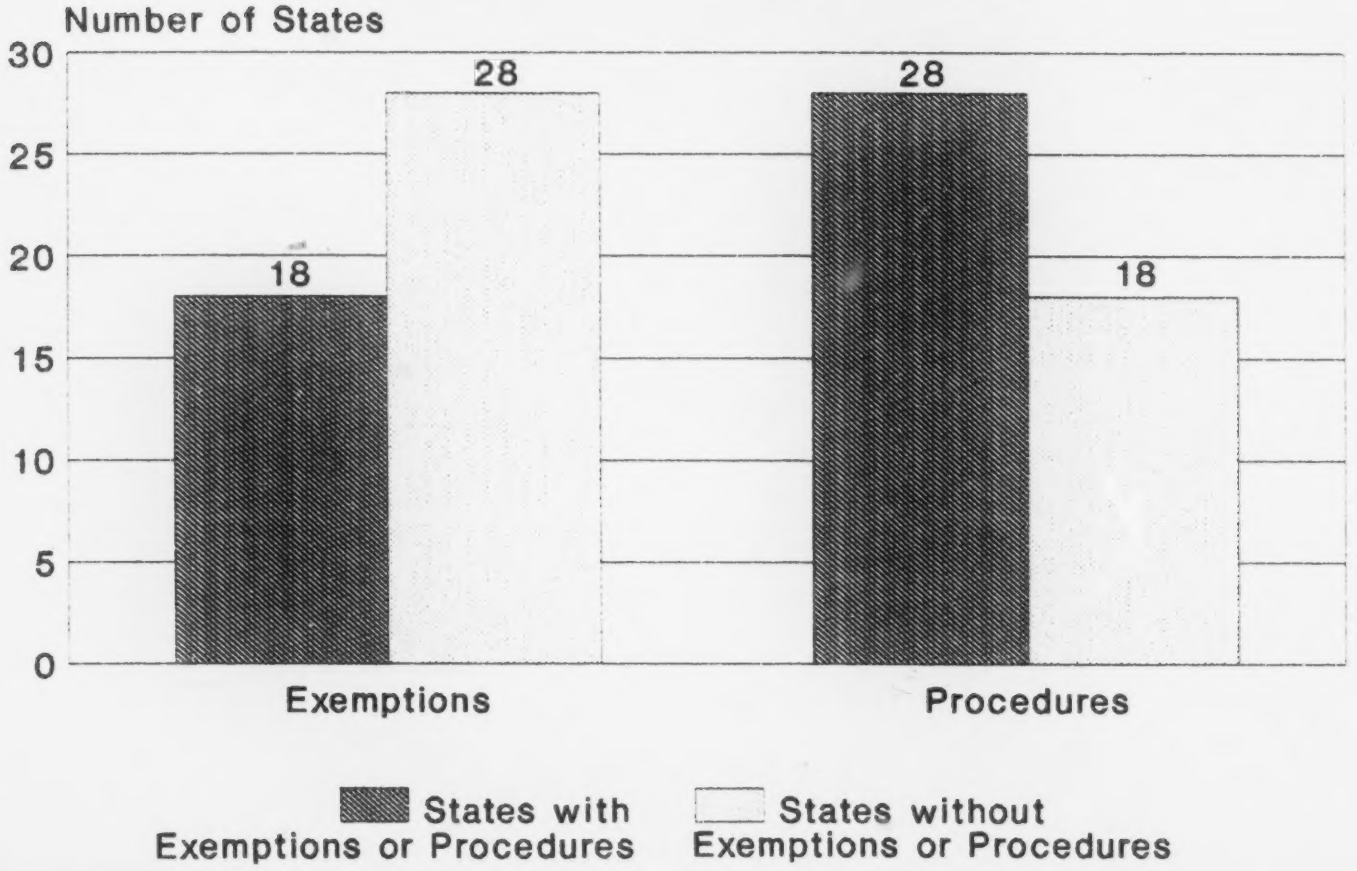
[6] A total of twenty-eight states regulate sewer systems, but one, Rhode Island, exercises authority over a municipal system only and, therefore, is not included in the total number of states regulating investor-owned sewer systems.

Figure 1-1
Number of Commissions Regulating
Water and Sewer Systems



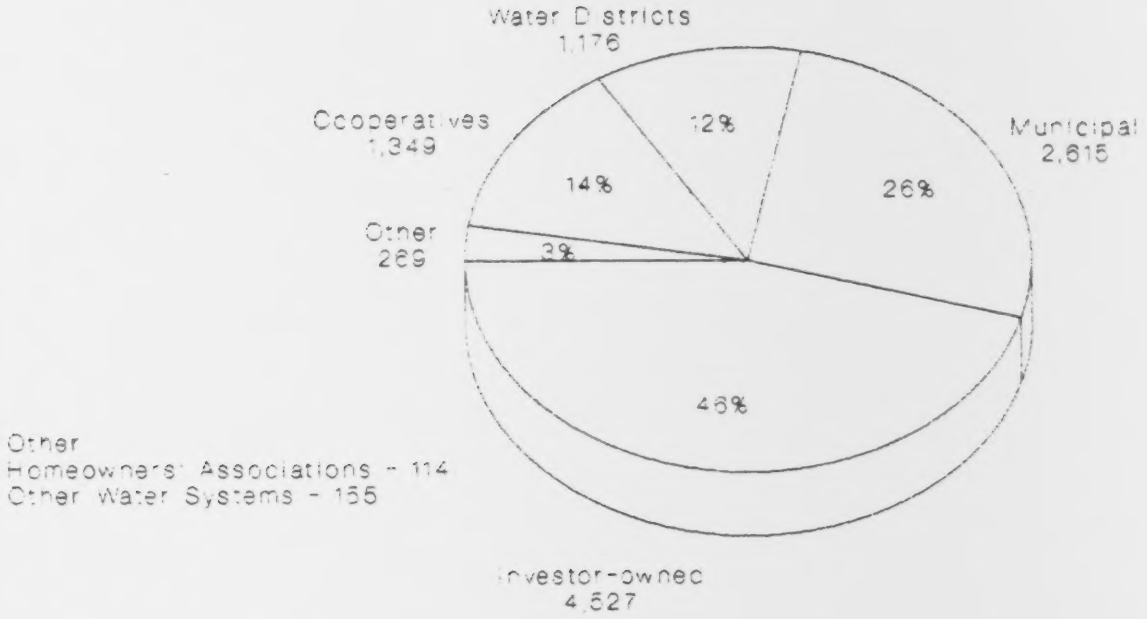
Source: 1989 NRRI Survey, Question 6.

Figure 1-2
Commissions With Exemptions for
Investor-owned Water Systems or
Procedures for Reducing Their Regulation



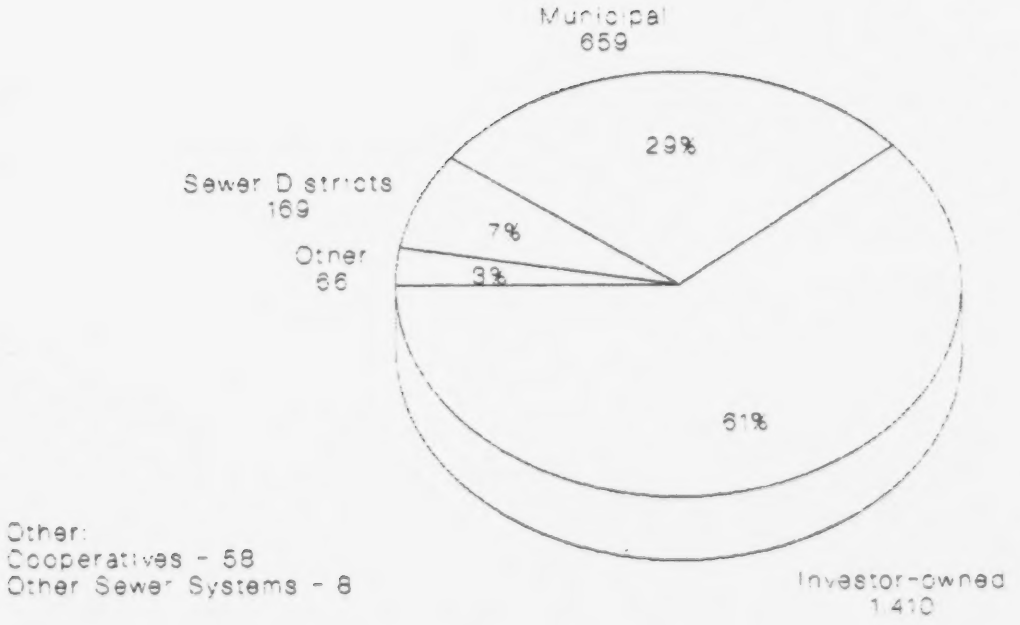
Source: 1989 NRRI Survey,
Questions 2, 3, and 5.

Figure 1-3
Total Regulated Water Systems by Type of System



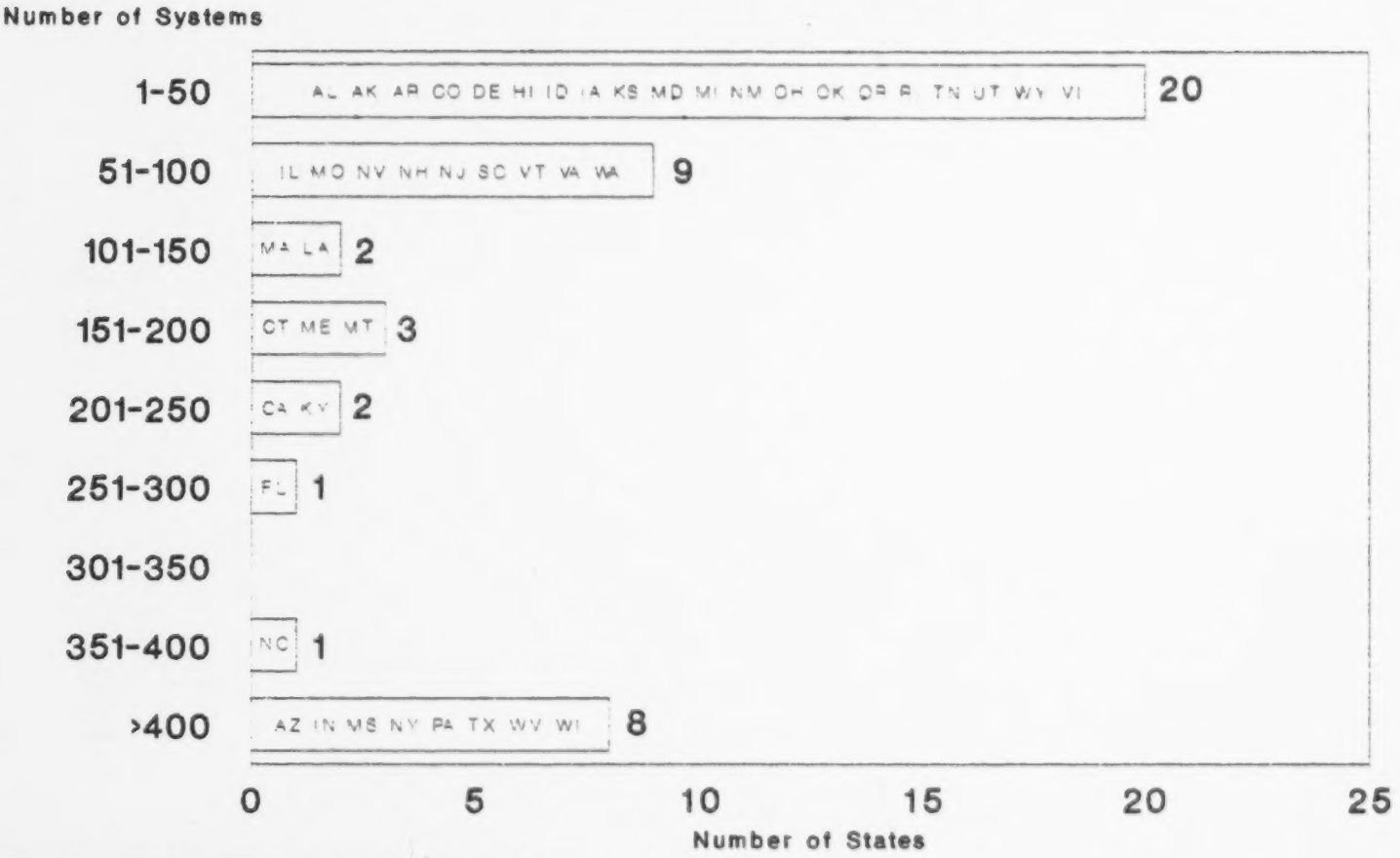
Source: 1989 NRRI Survey, Question 6. Data include combination water and sewer systems.

Figure 1-4
Total Regulated Sewer Systems by Type of System



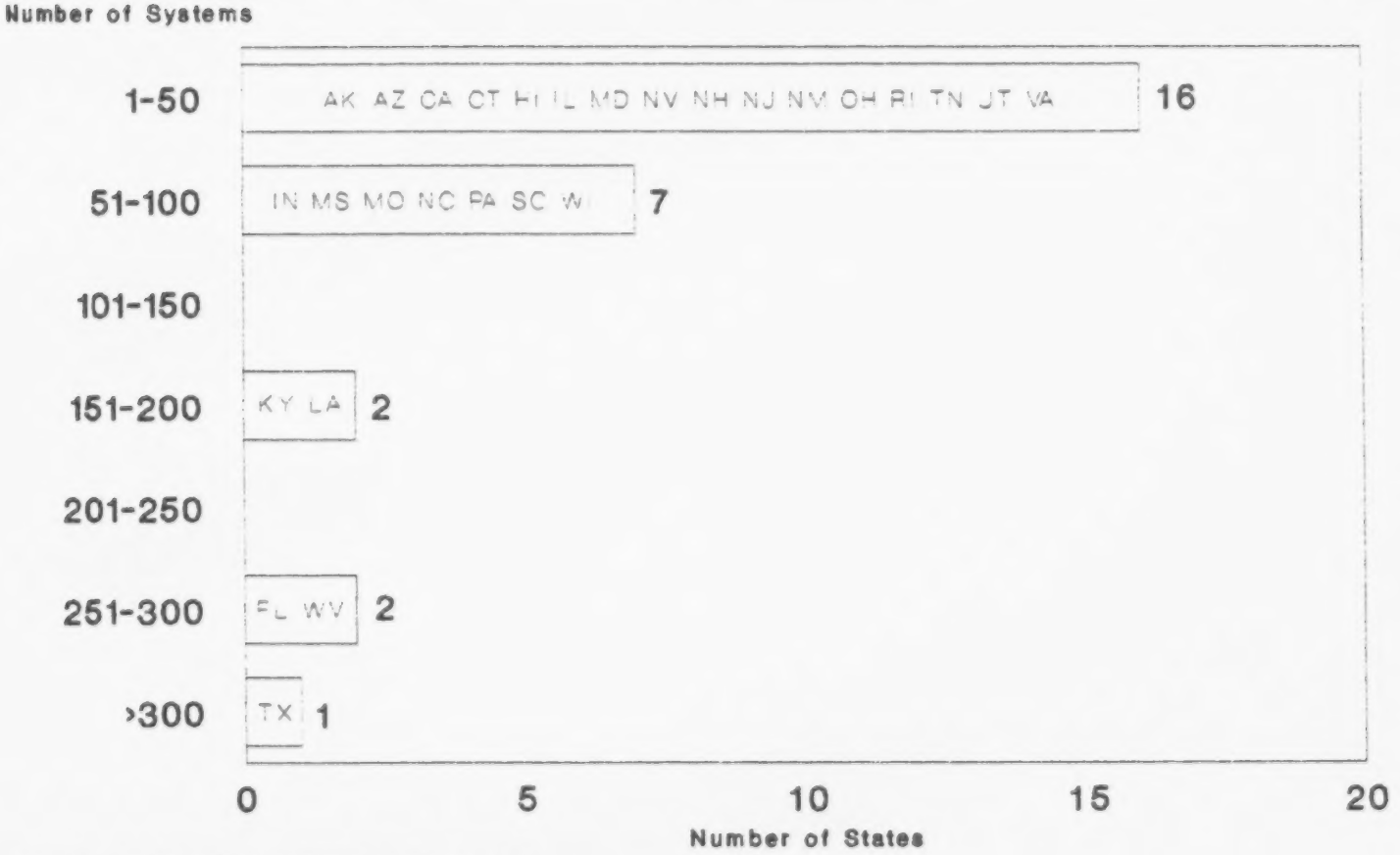
Source: 1989 NRRI Survey, Question 6. Data include combination water and sewer systems.

Figure 1-5
Total Regulated Water Systems by Number of Systems and State



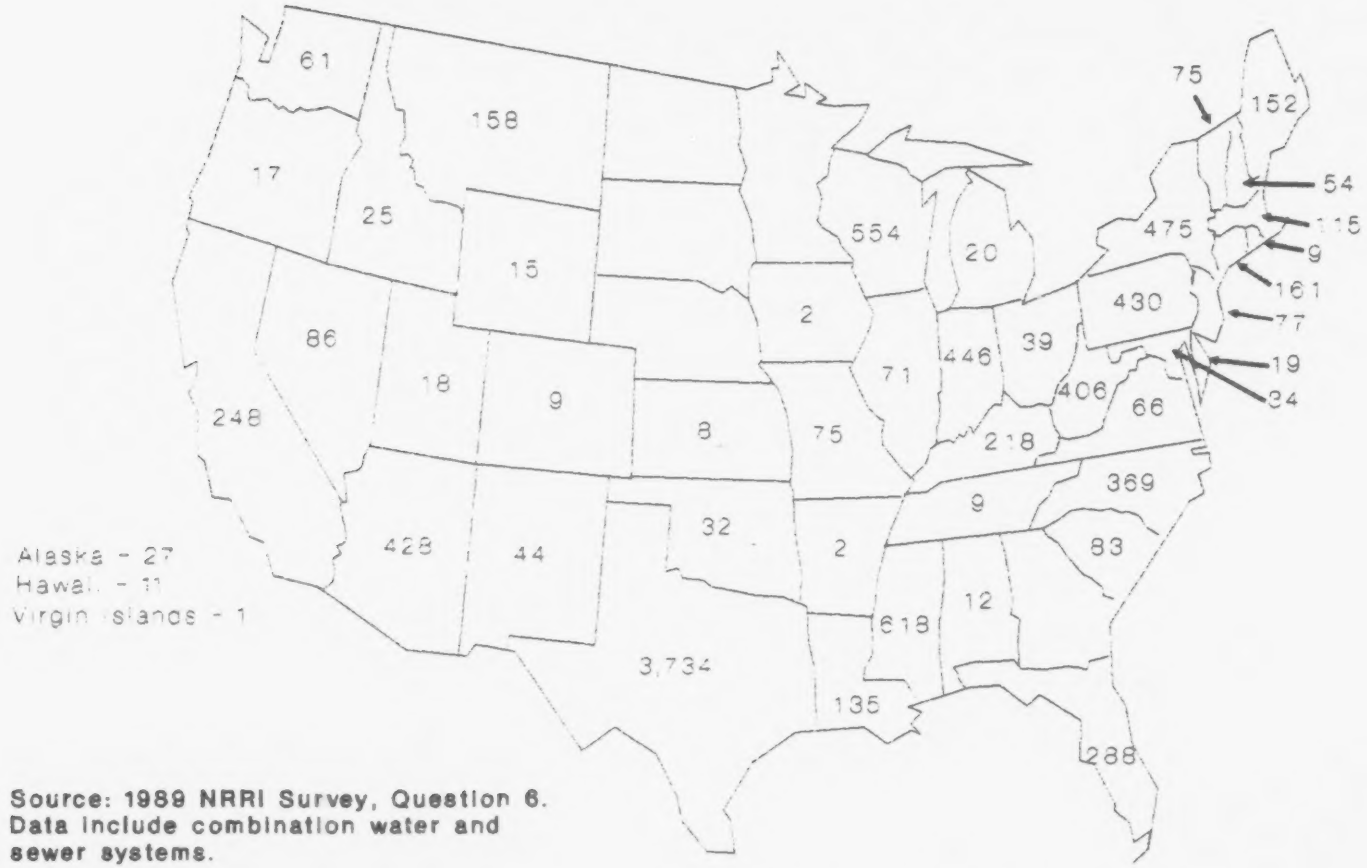
Source: 1989 NRRI Survey, Question 6.
Data include combination water and sewer systems.

Figure 1-6
Total Regulated Sewer Systems by Number of Systems and State



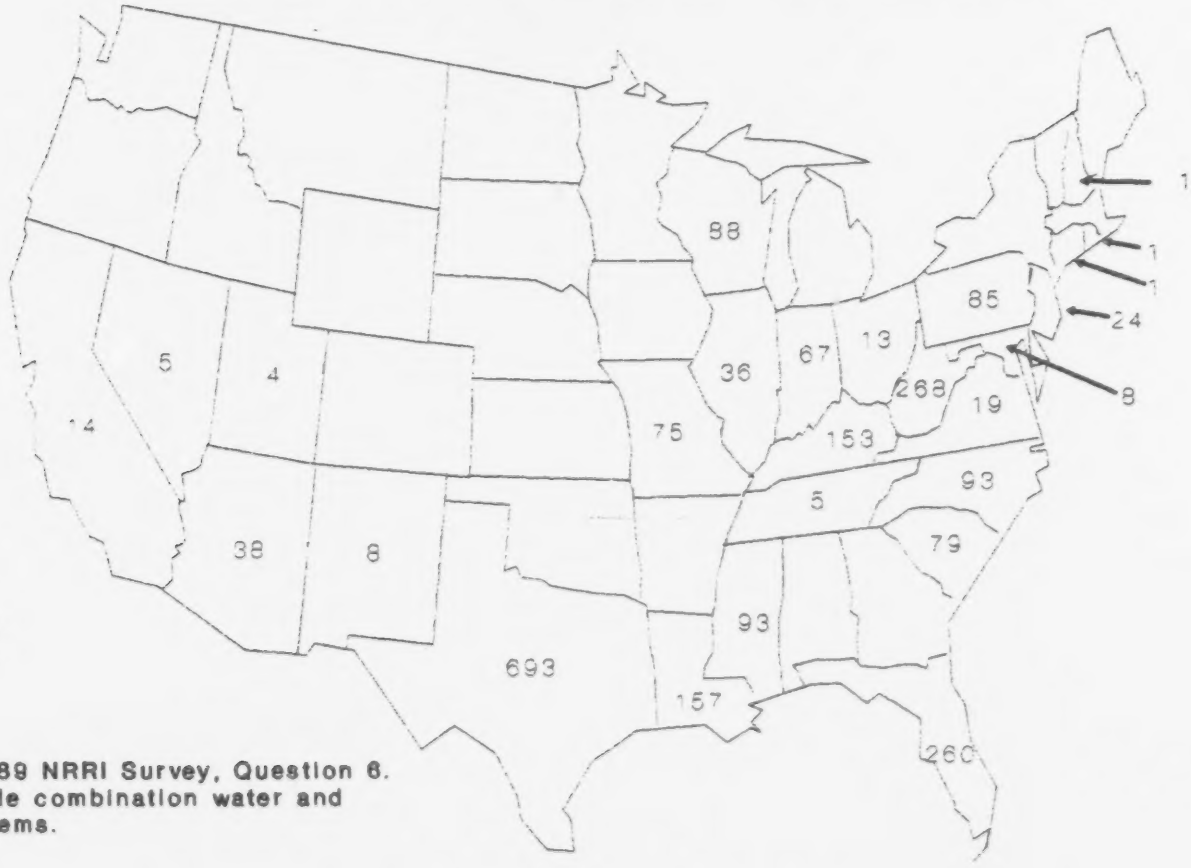
Source: 1989 NRRI Survey, Question 6.
Data include combination water and sewer systems.

Figure 1-7
Total Regulated Water Systems in Each State



Source: 1989 NRRI Survey, Question 6. Data include combination water and sewer systems.

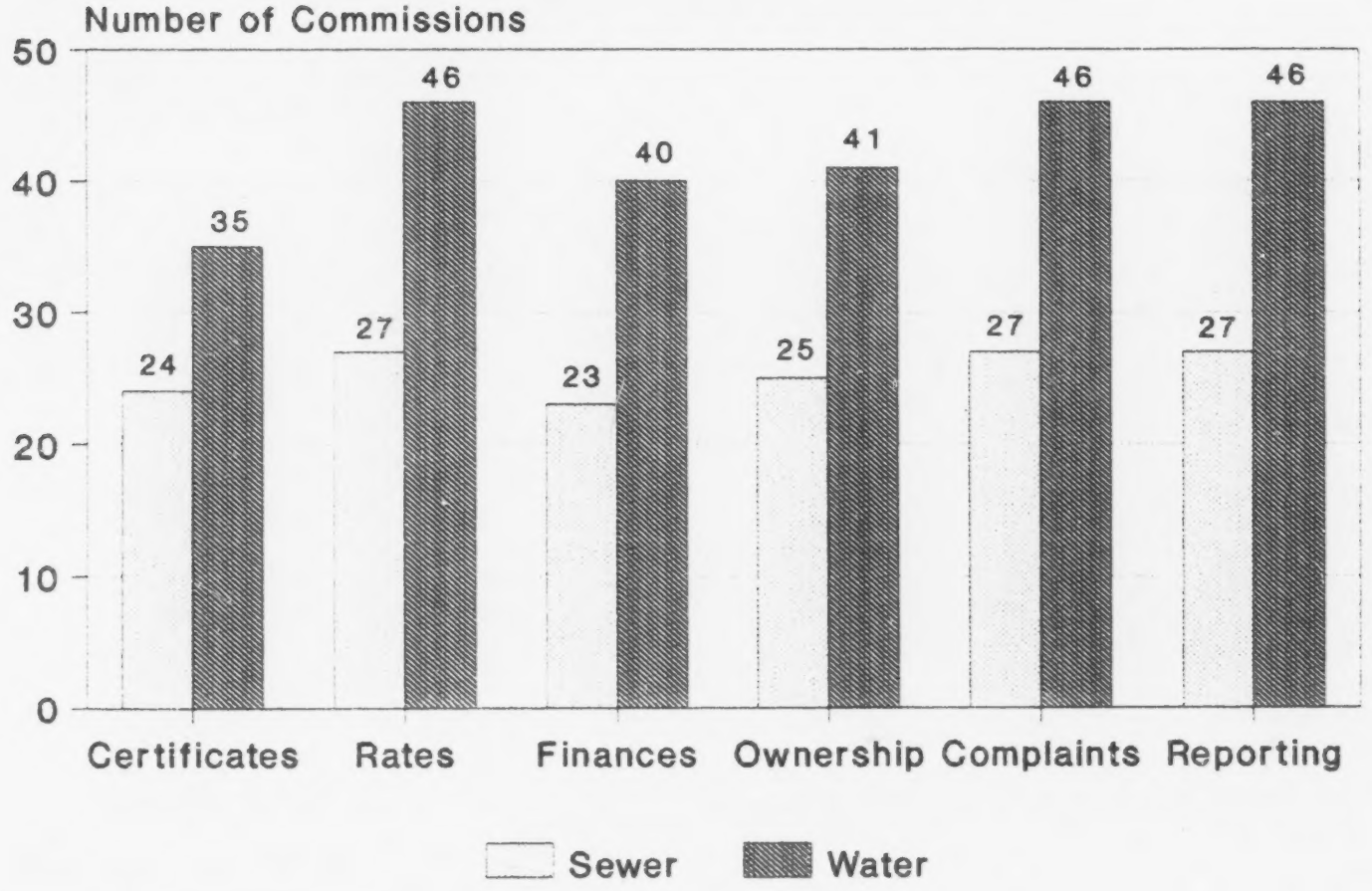
Figure 1-8
Total Regulated Sewer Systems in Each State



Alaska - 8
Hawaii - 8

Source: 1989 NRRI Survey, Question 6. Data include combination water and sewer systems.

Figure 1-9
Scope of Commission Authority Over
Investor-owned Water and Sewer Systems



Source: 1989 NRRI Survey, Question 6.

SECTION II

JURISDICTION, EXEMPTIONS, AND PROCEDURES FOR REDUCING REGULATION

TABLE 2-1

JURISDICTION OF THE STATE COMMISSIONS OVER
WATER AND SEWER SYSTEMS

State	Water Systems	Sewer Systems
Alabama	Investor-owned	No jurisdiction
Alaska	Investor-owned; municipal upon utility's request; cooperatives	Investor-owned; municipal upon utility's request; cooperatives
Arizona	Investor-owned	Investor-owned
Arkansas	Investor-owned	No jurisdiction
California	Investor-owned	Investor-owned
Colorado	Investor-owned	No jurisdiction
Connecticut	Investor-owned; municipal; regional water authorities; water districts	Investor-owned
Delaware	Investor-owned; cooperatives	No jurisdiction
D.C.	No jurisdiction	No jurisdiction
Florida	Investor-owned; homeowners' associations unless all customers are members, or unless the developer loses control of association when 50% of the lots are developed	Investor-owned sewer; homeowners' associations unless all customers are members, or unless the developer loses control of association when 50% of the lots are developed
Georgia	No jurisdiction	No jurisdiction
Hawaii	Investor-owned	Investor-owned
Idaho	Investor-owned	No jurisdiction
Illinois	Investor-owned	Investor-owned

TABLE 2-1 (continued)

State	Water Systems	Sewer Systems
Indiana	Investor-owned; municipal; cooperatives; conservancy districts	Investor-owned; cooperatives
Iowa	Investor-owned with more than 2,000 customers	No jurisdiction
Kansas	Investor-owned; cooperatives	No jurisdiction
Kentucky	Investor-owned; water associations; water districts	Investor-owned; sewer associations; sewer portion of combination water and sewer districts
Louisiana	Investor-owned	Investor-owned
Maine	Investor-owned; municipal; water districts	No jurisdiction
Maryland	Investor-owned; limited jurisdiction over municipal and county systems	Investor-owned; limited jurisdiction over municipal and county systems
Massachusetts	Investor-owned; cooperatives that sell outside their membership; limited jurisdiction over water and fire districts	No jurisdiction
Michigan	Investor-owned; cooperatives; homeowners' associations; privately owned systems	No jurisdiction
Minnesota	No jurisdiction	No jurisdiction

TABLE 2-1 (continued)

State	Water Systems	Sewer Systems
Mississippi	Investor-owned; nonprofit associations (cooperatives and homeowners'); very limited jurisdiction over water districts	Investor-owned; nonprofit associations (cooperatives and homeowners'); very limited jurisdiction over sewer districts
Missouri	Investor-owned	Investor-owned
Montana	Investor-owned; municipal	No jurisdiction
Nebraska	No jurisdiction	No jurisdiction
Nevada	Investor-owned; limited jurisdiction over cooperatives	Investor-owned; limited jurisdiction over cooperatives
New Hampshire	Investor-owned; municipal, county, and precinct service outside jurisdictional boundaries unless 25 or fewer customers are served and rates and service are comparable	Investor-owned
New Jersey	Investor-owned; municipal; homeowners' associations	Investor-owned
New Mexico	Investor-owned; water and sanitation districts; municipal, county, cooperatives, and home-owners' associations may request to be regulated	Investor-owned
New York	Investor-owned; homeowners' associations	No jurisdiction
North Carolina	Investor-owned	Investor-owned
North Dakota	No jurisdiction	No jurisdiction

TABLE 2-1 (continued)

State	Water Systems	Sewer Systems
Ohio	Investor-owned; not-for-profits	Investor-owned; not-for-profits
Oklahoma	Investor-owned	No jurisdiction
Oregon	Investor-owned	No jurisdiction
Pennsylvania	Investor-owned; municipal service outside of city boundaries	Investor-owned; municipal service outside of city boundaries
Rhode Island	Investor-owned; municipal	Municipal
South Carolina	Investor-owned	Investor-owned
South Dakota	No jurisdiction	No jurisdiction
Tennessee	Investor-owned	Investor-owned
Texas	Investor-owned; water districts; cooperatives; homeowners' associations; limited jurisdiction over municipal systems	Investor-owned; sewer districts; cooperatives; homeowners' associations; limited jurisdiction over municipal systems
Utah	Investor-owned	Investor-owned
Vermont	Investor-owned; cooperatives that sell outside their membership	No jurisdiction
Virginia	Investor-owned; privately owned	Investor-owned
Washington	Investor-owned	No jurisdiction
West Virginia	Investor-owned; municipal; water districts; cooperatives; homeowners' associations	Investor-owned; municipal; sewer districts; cooperatives; homeowners' associations

TABLE 2-1 (continued)

State	Water Systems	Sewer Systems
Wisconsin	Investor-owned; municipal	Investor-owned; municipal upon complaint by customers
Wyoming	Investor-owned	No jurisdiction
Puerto Rico	Investor-owned	No jurisdcition
Virgin Islands	Investor-owned; municipal; water districts; cooperatives; homeowners' associations	No jurisdiction

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6.

TABLE 2-2

INVESTOR-OWNED WATER UTILITIES EXEMPT FROM COMMISSION REGULATION

State	Criteria for Exemption*		Explanation
	Utility Size in Terms of Revenues, Customers, or Connections	Geographic, Political, or Other Exemption Criteria*	
Alabama		Water sold for the sole use of tenants.	
Alaska	Less than $100,000 in annual operating revenues; fewer than 10 customers.		Utilities meeting these criteria may be exempted under an election procedure.
Arizona			No exemptions.
Arkansas		Class C or lower (NARUC Uniform System of Accounts) are exempt unless a utility or a majority of its metered customers petition for PSC regulation; the utility must have had revenues over $400,000 for three fiscal years.	Non-jurisdictional systems file gross income receipts each fiscal year.
California			No exemptions.
Colorado			No exemptions.
Connecticut	Fewer than 50 customers.	Homeowner-owned associations; systems that do not charge or arrange for separate rates, e.g., mobile home parks that collect on a "rental" basis.	Expansion requires a certificate of convenience and necessity.

TABLE 2-2 (continued)

State	Criteria for Exemption: Utility Size in Terms of Revenues, Customers, or Connections	Criteria for Exemption: Geographic, Political, or Other Exemption Criteria	Explanation
Delaware			No exemptions.
Florida	Fewer than 100 persons (not customers).	Landlords providing service to tenants without specific compensation for service; resale of water at cost of purchased water.	County governments regulate water and sewer utilities unless they give up this authority to the state; resale companies must file annual reports; homeowners' associations are exempt unless some customers are not members or unless the developer does not lose control of the association when 50% of the lots are developed.
Hawaii			No exemptions.
Idaho			No exemptions.
Illinois			No exemptions.
Indiana			No exemptions.
Iowa	Fewer than 2,000 customers.		
Kansas		Investor-owned that serve only one town are exempt unless they go beyond 3 miles of the town limit.	
Kentucky			No exemptions.

TABLE 2-2 (continued)

State	Criteria for Exemption: Utility Size in Terms of Revenues, Customers, or Connections	Criteria for Exemption: Geographic, Political, or Other Exemption Criteria	Explanation
Louisiana	Fewer than 10 customers.	Systems funded by FHA financing.	
Maine			No exemptions.
Maryland			No exemptions.
Massachusetts		Cooperatives providing water exclusively to their own members.	
Michigan	Fewer than 75 customers; fewer than 75 connections.	Government entities contracting for service by private companies.	Commission can set rates to settle disputes with utilities.
Mississippi			No exemptions.
Missouri			No exemptions.
Montana			No exemptions.
Nevada	Less than $5,000 in operating revenues and fewer than 25 customers.		Both criteria must apply.
New Hampshire	Systems with fewer than 9 customers on a case-by-case basis; exemption may be revoked.	Municipals, counties, and precincts serving 25 or fewer customers outside their boundaries with comparable rates and service.	
New Jersey			No exemptions.
New Mexico			No exemptions.
New York			No exemptions.

TABLE 2-2 (continued)

State	Criteria for Exemption: Utility Size in Terms of Revenues, Customers, or Connections	Criteria for Exemption: Geographic, Political, or Other Exemption Criteria	Explanation
North Carolina	Fewer than 10 customers.	Self-governing systems, i.e., homeowners' associations.	
Ohio			No exemptions.
Oklahoma			No exemptions.
Pennsylvania			No exemptions.
Oregon	Fewer than 300 customers.	Average annual residential rate of $18 per month or less; adequate service; nondiscriminatory service.	All four criteria must apply.
Rhode Island		Investor-owned and municipal systems that do not sell outside of their enfranchised jurisdictional area.	
South Carolinia			No exemptions.
Tennessee			No exemptions.
Texas			No exemptions.
Utah			No exemptions.
Vermont		Cooperatives providing water exclusively to their own members.	

TABLE 2-2 (continued)

State	Criteria for Exemption: Utility Size in Terms of Revenues, Customers, or Connections	Criteria for Exemption: Geographic, Political, or Other Exemption Criteria	Explanation
Virginia	Fewer than 50 customers.	Public Service Authorities or other municipal-owned systems; systems providing service prior to Jan. 1, 1970.	Commission may take temporary jurisdiction of systems with more than 50 customers if majority of customers petition.
Washington	Less than $300 in annual operating revenues per customer or fewer than 100 customers.		UTC has jurisdiction if either one of these criteria is exceeded.
West Virginia			No exemptions.
Wisconsin			No exemptions.
Wyoming			No exemptions.
Virgin Islands			No exemptions.
TOTALS**	12 states have exemptions based on size.	14 states have exemptions based on other criteria.	28 states have no exemptions.

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Questions 2 and 3.

* In some cases, exemption criteria determine whether or not a water system is an investor-owned system and subject to commission authority in the first place. For example, a cooperative may be exempt from any form of regulation unless it serves customers outside of its membership, in which case it may be regulated as a jurisdictional investor-owned system.

** Four commissions use size criteria; six use other criteria; and eight use both types of criteria for exempting investor-owned water systems from regulation.

TABLE 2-3

PROCEDURES ADOPTED TO REDUCE THE REGULATION OF INVESTOR-OWNED WATER UTILITIES

State	Procedure (Year Adopted)	Explanation
Alabama		No procedures adopted.
Alaska		No procedures adopted.
Arizona	Simplified rate filing (1987). Small Water Company Assistance Program (1988).	
Arkansas		No procedures adopted but a proposal now under consideration would reduce rate filing requirements for investor-owned water and sewer utilities.
California	Simplified rate filing (1965).	
Colorado	Simplifed rate filing (1986). Simplified reporting (1986).	
Connecticut	Simplified rate filing (1980). Simplified hearings (1980). Simplified reporting (1983).	
Delaware		No procedures adopted.
Florida	Simplified rate filing (1980).	
Hawaii		No procedures adopted.
Idaho	Simplified rate filing (1986). Simplified hearings (1986). Simplified reporting (1986).	Simplified rate filings and reporting if utility has fewer than 100 customers.
Illinois	Simplified rate filing (1980). Simplied reporting (1987).	
Indiana	Simplified proceedings (1987).	Utility files forms developed by URC and no hearing is required unless at least 10 customers complain.

TABLE 2-3 (continued)

State	Procedure (Year Adopted)	Explanation
Iowa		No procedures adopted.
Kansas		No procedures adopted.
Kentucky	Simplified rate filing (1982).	Simplified rate filing procedure for utilities with 400 or fewer customers or gross operating revenues of less than $200,000.
Louisiana		No procedures adopted.
Maine	Simplified reporting (1988). Some water utilities are exempt from filing annual reports (na).	
Maryland	Simplified rate filing (1983). Administrative approval of non-base rate items such as tariff revisions, financing, etc., where possible in lieu of a formal hearing process (1981).	
Massachusetts		No procedures adopted.
Michigan		No procedures adopted.
Mississippi	Simplified hearings (1988).	Simplified-hearings procedure is now in litigation.
Missouri	Simplified rate filing (1976). Simplified hearings (1976). Simplified reporting (1982).	In addition, there is an effort to consolidate management of several companies.
Montana		No procedures adopted.
Nevada	Simplified rate filing (1980).	
New Hampshire		No written policy has been adopted but some simplification of rate filings, hearings and reporting regulations is allowed.

TABLE 2-3 (continued)

State	Procedure (Year Adopted)	Explanation
New Jersey	Guidelines for small water utility rate increases (1979).	
New Mexico	Simplified rate filing (1985). Simplified reporting (1985).	Simplified rate filing is for Class C and D utilities only.
New York	Simplified rate filing (1975). Simplied hearings (1975). Simplified reporting (1975).	
North Carolina	Simplified hearings (1983). Simplified reporting (1985).	
Ohio	Simplified rate filing (1976).	For small water and sewer utilities only.
Oklahoma	Simplified rate filing (1982). Simplified hearings (1982). Simplified reporting (1982).	In addition, attorney representation is not required under certain circumstances.
Oregon	Simplified rate filing (na). Simplified hearings (na).	Commission provides the format for rate filings and assists as necessary.
Pennsylvania	Simplified rate filing (1973).	For water utilities with annual gross revenues of less than $50,000.
Rhode Island	Simplified rate filing (1977). Simplified hearings (1977).	Small water utilities are assisted by commission staff. Parties are encouraged to stipulate to major parts of rate cases.
South Carolina		No procedures adopted.
Tennessee		No procedures adopted.
Texas	Simplified rate filing (1987). Simplified hearings (1987). Simplified reporting (1988).	Rate filing requirements depend on utility's size.
Utah		No procedures adopted.

TABLE 2-3 (continued)

State	Procedure (Year Adopted)	Explanation
Vermont		No procedures adopted, but PSB does offer assistance to water utilities.
Virginia	Simplified rate filing (1986).	
Washington	Simplified rate filing (na).	Utilities are also assisted in preparing tariffs.
West Virginia	Simplified rate filing (1981).	
Wisconsin	Simplified reporting (na).	Wisconsin's uniform system of accounts is easier for all small utilities.
Wyoming		No procedures adopted.
Virgin Islands		No procedures adopted.
TOTALS	27 commissions have adopted one or more procedures for reducing regulation.	18 commissions have not adopted procedures for reducing regulation.

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 5.

na = date of adoption is not available

SECTION III

STATE COMMISSION REGULATION OF WATER SYSTEMS

TABLE 3-1

TOTAL COMMISSION-REGULATED WATER SYSTEMS BY TYPE OF SYSTEM

State	Investor-owned	Municipal	Water Districts	Cooperatives	Homeowners' Associations	Other Systems	Total Systems
Alabama	12	-	-	-	-	-	12
Alaska	25	2	-	0	-	-	27
Arizona	428	-	-	-	-	-	428
Arkansas	2	-	-	-	-	-	2
California	248	-	-	-	-	-	248
Colorado	9	-	-	-	-	-	9
Connecticut	101*	42	15	-	-	3	161*
Delaware	17	-	-	2	-	-	19
Florida	288	-	-	-	(a)	-	288
Hawaii	11	-	-	-	-	-	11
Idaho	25	-	-	-	-	-	25
Illinois	71	-	-	-	-	-	71
Indiana	60	277	-	99	-	10	446
Iowa	2	-	-	-	-	-	2
Kansas	7	-	-	1	-	-	8
Kentucky	36	-	145	-	-	37	218
Louisiana	135	-	-	-	-	-	135
Maine	38	28	86	-	-	-	152
Maryland	34	0	-	-	-	-	34
Massachusetts	43	-	72*	(a)	-	-	115*
Michigan	2	-	-	0	5	13	20
Mississippi	74	-	(b)	544	(c)	-	618
Missouri	75	-	-	-	-	-	75
Montana	32	126	-	-	-	-	158
Nevada	48	-	-	38	-	-	86
New Hampshire	41*	13	-	-	-	-	54*
New Jersey	58	15	-	-	4	-	77
New Mexico	39	0	5	0	0	-	44
New York	400	-	-	-	75	-	475
North Carolina	369	-	-	-	-	-	369
Ohio	35	-	-	-	-	4	39
Oklahoma	32	-	-	-	-	-	32
Oregon	17	-	-	-	-	-	17
Pennsylvania	357	73	-	-	-	-	430
Rhode Island	2	7	-	-	-	-	9

TABLE 3-1 (continued)

State	Investor-owned	Municipal	Water Districts	Cooperatives	Homeowners' Associations	Other Systems	Total Systems
South Carolina	83	-	-	-	-	-	83
Tennessee	9	-	-	-	-	-	9
Texas	964	1,329	689	665	(d)	87	3,734
Utah	18	-	-	-	-	-	18
Vermont	75*	-	-	(a)	-	-	75*
Virginia	65	-	-	-	-	1	66
Washington	61	-	-	-	-	-	61
West Virginia	54	158	164	0	30	-	406
Wisconsin	10	544	-	-	-	-	554
Wyoming	15	-	-	-	-	-	15
Virgin Islands	0	1	0	0	0	-	1
TOTAL SYSTEMS	4,527	2,615	1,176	1,349	114	155	9,936
TOTAL STATES	46	15	9	13	9	7	46

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6. Data include combination water and sewer systems. See the system tables that follow for details and explanatory notes.

- No authority indicated.
* Approximation.

(a) Regulated as investor-owned systems under certain conditions.

(b) Not available; the commission's jurisdiction is limited.

(c) Counted as cooperatives. In Mississippi, cooperatives and homeowners' associations are both regarded as "non-profit associations" and considered identical. The commission's jurisdiction over these systems is limited.

(d) Regulated as investor-owned systems.

TABLE 3-2

COMMISSION REGULATION OF INVESTOR-OWNED WATER SYSTEMS

State	Number of Systems Regulated (a)			Scope of Commission Authority					
	Water Only	Water/ Sewer	Total	Certificates	Rates	Finances	Ownership	Complaints	Reporting
Alabama	12	-	12	X	X	X	X	X	X
Alaska	23	2	25	X	X	-	X	X	X
Arizona	428	-	428	X	X	X	X	X	X
Arkansas	2	-	2	X	X	X	X	X	X
California	245	3	248	X	X	X	X	X	X
Colorado	9	-	-	X	X	X	X	X	X
Connecticut	100*	1(b)	101*	X	X	X	X	X	X
Delaware	17	-	17	-	X	X	X	X	X
Florida	112	176	288(c)	X	X	-	X	X	X
Hawaii	10	1	11	X	X	X	X	X	X
Idaho	25	-	25	X	X	X	-	X	X
Illinois	48	23	71	X	X	X	X	X	X
Indiana	40	20	60	X	X	X	X	X	X
Iowa	2	-	2	X	X	-	X	X	X
Kansas	7	-	7	X	X	X	X	X	X
Kentucky	29	7	36	X	X	X	X	X	X
Louisiana	58	77	135	-	X	-	X	X	X
Maine	38	-	38	X	X	X	X	X	X
Maryland	26	8	34	X	X	X	X	X	X
Massachusetts	43	-	43	-	X	X	X	X	X
Michigan	1	1(d)	2	X	X	-	-	X	X
Mississippi	74	-	74	X	X	X	X	X	X
Missouri	66	9	75	X	X	X	X	X	X
Montana	32	-	32	-	X	X	X	X	X
Nevada	43	5	48	X	X	X	X	X	X
New Hampshire	40*	1(e)	41*	-	X	X	X	X	X
New Jersey	57	1	58	-	X	X	X	X	X
New Mexico	39	-	39	X	X	X	X	X	X
New York	400	-	400	-	X	X	X	X	X
North Carolina	317	52	369	X	X	X	X	X	X
Ohio	29	6	35	X	X	X	X	X	X
Oklahoma	32	-	32	-	X	X	X	X	X
Oregon	17	-	17	-	X	X	X	X	X
Pennsylvania	357	0	357	X	X	X	X	X	X
Rhode Island	2	-	2	X	X	X	-	X	X

TABLE 3-2 (continued)

State	Number of Systems Regulated (a)			Scope of Commission Authority					
	Water Only	Water/ Sewer	Total	Certificates	Rates	Finances	Ownership	Complaints	Reporting
South Carolina	43	40	83	X	X	X	X	X	X
Tennessee	8	1	9	X	X	X	-	X	X
Texas	964(f)	-	964	X	X	-	X	X	X
Utah	15	3	18	X	X	X	X	X	X
Vermont	75*	-	75*	X	X	X	X	X	X
Virginia	53	12	65	X	X	X	-	X	X
Washington	61	(g)	61	-	X	X	X	X	X
West Virginia	49	5	54	X	X	X	X	X	X
Wisconsin	10	-	10	X	X	X	X	X	X
Wyoming	15	(g)	15	X	X	X	X	X	X
Virgin Islands	0	-	0	-	X	X	X	X	X
TOTAL	4,073	454	4,527	35	46	40	41	46	46

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6.

- No authority indicated.
* Approximation.

(a) Forty-six commissions regulate investor-owned water systems. Twenty-five regulate investor-owned combination water and sewer systems, although Michigan, Washington, and Wyoming regulate only the water portion of combination systems.

(b) The Connecticut DPUC regulates combined water and sewer systems only when the sewer system is investor-owned and discharges treated effluent to a stream or river.

(c) The Florida PSC includes regulated homeowners' associations in its totals for investor-owned systems and makes no distinction between these two types.

(d) Only the water portion of combination water and sewer systems is regulated.

(e) A 1987 New Hampshire law requires PUC regulation of investor-owned combination water and sewer systems. The law currently is being implemented and the number of regulated systems is expected to increase.

(f) This number includes homeowners' associations, which are considered investor-owned systems in Texas.

(g) Only the water portion of combination water and sewer systems is regulated; such systems are included in the total for investor-owned water systems.

TABLE 3-3

COMMISSION REGULATION OF MUNICIPAL WATER SYSTEMS

State	Number of Systems Regulated (a)			Scope of Commission Authority					
	Water Only	Water/ Sewer	Total	Certificates	Rates	Finances	Ownership	Complaints	Reporting
Alaska	1	1	2(b)	X	X	-	-	X	X
Connecticut	42	-	42	-	-	-	-	X(c)	X
Indiana	277	-	277	-	X	X	X	X	X
Maine	28	-	28	X	X	X	X	X	X
Maryland	0	0	0(d)	-	X	-	-	-	-
Montana	126	-	126	-	X	-	-	-	-
New Hampshire	13(e)	-	13(e)	-	X	X	X	X	X
New Jersey	15	-	15	-	X	-	-	X	X
New Mexico	0(f)	-	0(f)	X	X	X	X	X	X
Pennsylvania	73	0	73(g)	X	X	-	-	X	X
Rhode Island	7	-	7	X	X	X	-	X	X
Texas	1,329	-	1,329	X(h)	X(i)	-	-	-	-
West Virginia	142	16	158	X	X(j)	X	X	X	X
Wisconsin	457	87	544	X	X	-	X	X	X
Virgin Islands	1	-	1	-	X	X	X	X	X
TOTAL	2,511	104	2,615	8	14	7	7	12	12

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6.

- No authority indicated.

(a) Fifteen commissions have authority to regulate municipal water systems and five have authority to regulate municipal combination water and sewer systems. Maryland and New Mexico have authority to regulate municipal and county systems, including combination systems, but currently have none of these types of systems under their jurisdiction.

(b) The Alaska PSC regulates municipal water systems only when the utility requests to be regulated.

(c) The Connecticut DPUC may review only when the municipality orders termination of a customer's service.

(d) The Maryland PSC's authority extends to both municipal and county systems and is limited to rates for service supplied by one political entity to another upon request of the entity receiving the service.

(e) In New Hampshire, counties and precincts are included in the definition of municipal water systems. Municipals and other government-owned water systems currently are regulated by the New Hampshire PUC only if they serve more than 25 customers outside their boundaries and they do not provide a similar level of service or similar rate to these customers. If municipals are regulated, they are only regulated for that portion outside their boundaries.

(f) The New Mexico PSC only regulates municipal or county water systems if they request to be regulated.

TABLE 3-3 (continued)

(g) Municipal systems are regulated in Pennsylvania only if they provide service beyond their municipal boundaries, and then regulation is limited to only the service provided beyond the municipal boundaries.

(h) Certificates of Convenience and Necessity are optional in Texas for this kind of utility.

(i) Under certain circumstances, municipal water rates can be appealed to the commission for review.

(j) Rates set by municipal water systems can be appealed to the commission.

TABLE 3-4

COMMISSION REGULATION OF WATER DISTRICTS

State	Number of Systems Regulated (a)			Scope of Commission Authority					
	Water Only	Water/ Sewer	Total	Certificates	Rates	Finances	Ownership	Complaints	Reporting
Connecticut	15	-	15	-	-	-	-	-	X
Kentucky	133	12	145	X	X	X	X	X	X
Maine	77	9(b)	86	X	X	X	X	X	X
Massachusetts	72*(c)	-	72*	-	-	-	-	-	-
Mississippi	(d)	-	(d)	-	-	-	-	-	-
New Mexico	5(e)	-	5	X	X	X	X	X	X
Texas	689	-	689	X(f)	X(g)	X	-	-	X
West Virginia	155(h)	9	164	X	X	X	X	X	X
Virgin Islands	0	-	0	-	X	X	X	X	X
TOTAL	1,146	30	1,176	5	6	6	5	5	7

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6.

- No authority indicated.
* Approximation.

(a) Nine commissions have authority to regulate water districts, although the Virgin Islands PSC does not have any water districts under its jurisdiction at the present time. Three states have authority to regulate combination water and sewer districts, although Maine regulates only the water portion of these combination systems.

(b) The Maine PUC regulates only the water portion of combination water and sewer districts.

(c) The Massachusetts DPU has jurisdiction over about 72 water and fire districts. These districts are required to file their rates and regulations for information purposes.

(d) The Mississippi PSC has very limited authority over some water districts by a special act of the legislature. The survey respondent believed that the authority was so limited it would be misleading to include these water districts in the total number of regulated water districts.

(e) The New Mexico PSC has jurisdiction over five water and sanitation districts.

(f) Certificates of Convenience and Necessity are optional in Texas for this kind of utility.

(g) Under certain circumstances, rates set by water districts can be appealed to the commission for review.

(h) These are water districts or public service districts.

TABLE 3-5

COMMISSION REGULATION OF WATER COOPERATIVES

State	Number of Systems Regulated (a)			Scope of Commission Authority					
	Water Only	Water/ Sewer	Total	Certificates	Rates	Finances	Ownership	Complaints	Reporting
Alaska	0	0	0	X	X	-	X	X	X
Delaware	2	-	2	-	X	X	X	X	X
Indiana	97	2	99	-	X	X	X	X	X
Kansas	1	-	1	X	X	X	X	X	X
Massachusetts	(b)	-	(b)	-	X	X	X	X	X
Michigan	0	-	0	X	X	-	-	X	X
Mississippi	544(c)	-	544(c)	X	-	-	-	X	-
Nevada	38	0	38	X	-	-	-	-	-
New Mexico	0(d)	-	0	X	X	X	X	X	X
Texas	665	-	665	X	X(e)	-	-	X	-
Vermont	(b)	-	(b)	X	X	X	X	X	X
West Virginia	0	0	0	X	X(f)	X	X	X	X
Virgin Islands	0	-	0	-	X	X	X	X	X
TOTAL	1,347	2	1,349	9	11	8	9	12	10

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6.

- No authority indicated.

(a) Thirteen commissions have authority to regulate water cooperatives, although five commissions do not actually have any water cooperatives under their jurisdiction at the present time. Four commissions have authority to regulate combination water and sewer cooperatives, although only Indiana has this type of system operating in the state.

(b) Massachusetts and Vermont have authority to regulate water cooperatives that sell outside of their membership as investor-owned systems, which is where they are counted. The authority reported here is identical to that for investor-owned systems.

(c) Includes homeowners' associations. In Mississippi, cooperatives and homeowners' associations are both regarded as "non-profit associations" and considered identical. The commission has very limited jurisdiction over these systems, with only secondary responsibility for service quality and area served.

(d) The New Mexico PSC only regulates cooperative water systems if they request to be regulated.

(e) Under certain circumstances, rates set by water cooperatives can be appealed to the commission for review.

(f) Rates set by water and water and sewer cooperatives can be appealed to the commission.

TABLE 3-6

COMMISSION REGULATION OF WATER SYSTEMS OPERATED BY HOMEOWNERS' ASSOCIATIONS

State	Number of Systems Regulated (a)			Scope of Commission Authority					
	Water Only	Water/ Sewer	Total	Certificates	Rates	Finances	Ownership	Complaints	Reporting
Florida	(b)	(b)	(b)	X	X	-	X	X	X
Michigan	5	-	5	X	X	-	-	X	X
Mississippi	(c)	-	(c)	X	-	-	-	X	-
New Jersey	4	-	4	-	X	X	-	X	X
New Mexico	0	-	0(d)	X	X	X	X	X	X
New York	75	-	75	X	X	X	X	X	X
Texas	(e)	-	(e)	X	X	-	X	X	X
West Virginia	30	0	30	X	X	-	-	-	X
Virgin Islands	0	-	0	-	X	X	X	X	X
TOTAL	114	0	114	7	8	4	5	8	8

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6.

- No authority indicated.

(a) Nine commissions have authority to regulate homeowners' associations, although New Mexico and the Virgin Islands do not have any of these systems under their jurisdiction at the present time. Two state commissions have authority to regulate combination water and sewer homeowners' associations, although West Virginia has none of these systems under its jurisdiction at present.

(b) The Florida PSC regulates homeowners' associations if all customers are not members of the homeowners' association or if a developer does not give up control of the homeowners' association when 50 percent of the lots are developed. These regulated homeowners' associations are not counted separately from the investor-owned systems.

(c) A total of 544 systems are counted as cooperatives. In Mississippi, cooperatives and homeowners' associations are both regarded as "nonprofit associations" and considered identical. The commission has very limited jurisdiction over these systems, with only secondary responsibility for service quality and area served.

(d) The New Mexico PSC only regulates water systems operated by homeowners' associations if they request to be regulated.

(e) Texas regulates homeowners' associations as investor-owned systems and therefore these systems are counted as investor-owned systems.

TABLE 3-7

COMMISSION REGULATION OF OTHER WATER SYSTEMS

State	Number and Type of Regulated Systems (a)	Scope of Commission Authority					
		Certificates	Rates	Finances	Ownership	Complaints	Reporting
Connecticut	3 Regional Authorities	-	-	-	-	-	X
Indiana	10 Conservancy Districts	-	X	X	X	X	X
Kentucky	30 Water Associations -and- 7 Combination Water and Sewer Associations	X	X	X	X	X	X
Michigan	13 Private Owned	X	X	-	-	X	X
Ohio	4 Not-for-Profits (b)	X	X	X	X	X	X
Texas	87 Miscellaneous Political Subdivisions	X(c)	X(d)	-	-	-	-
Virginia	1 Air Conditioning Corporation	X	X	X	-	X	X
TOTAL	155	5	6	4	3	5	6

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6.

- No authority indicated.

(a) Seven commissions have authority to regulate other kinds of water systems. In Kentucky and Ohio, this authority extends to combination water and sewer systems.

(b) This number is in flux. Ohio Senate Bill 337, which became effective in March 1988, requires regulation of not-for-profit water systems, including combination water and sewer systems operating on a not-for-profit basis. The law is presently being implemented.

(c) Certificates of Convenience and Necessity are optional for this type of utility in Texas.

(d) Under certain circumstances, rates set by these systems can be appealed to the commission for review.

SECTION IV

STATE COMMISSION REGULATION OF SEWER SYSTEMS

TABLE 4-1

TOTAL COMMISSION-REGULATED SEWER SYSTEMS BY TYPE OF SYSTEM

State	Investor-owned	Municipal	Sewer Districts	Cooperatives	Homeowners' Associations	Other Systems	Total Systems
Alaska	6	2	-	0	-	-	8
Arizona	38	-	-	-	-	-	38
California	14	-	-	-	-	-	14
Connecticut	1	-	-	-	-	-	1
Florida	260	-	-	-	(a)	-	260
Hawaii	8	-	-	-	-	-	8
Illinois	36	-	-	-	-	-	36
Indiana	55	-	-	12	-	-	67
Kentucky	133	-	12	-	-	8	153
Louisiana	157	-	-	-	-	-	157
Maryland	8	0	-	-	-	-	8
Mississippi	70	-	(b)	23	(c)	-	93
Missouri	75	-	-	-	-	-	75
Nevada	5	-	-	0	-	-	5
New Hampshire	1	-	-	-	-	-	1
New Jersey	24	-	-	-	-	-	24
New Mexico	8	-	-	-	-	-	8
North Carolina	93	-	-	-	-	-	93
Ohio	13	-	-	-	-	0	13
Pennsylvania	78	7	-	-	-	-	85
Rhode Island	-	1	-	-	-	-	1
South Carolina	79	-	-	-	-	-	79
Tennessee	5	-	-	-	-	-	5
Texas	177	416	77	23	(d)	0	693
Utah	4	-	-	-	-	-	4
Virginia	19	-	-	-	-	-	19
West Virginia	42	146	80	0	0	-	268
Wisconsin	1	87	-	-	-	-	88
TOTAL SYSTEMS	1,410	659	169	58	0	8	2,304
TOTAL STATES	27	7	4	6	4	3	28

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6. Data include combination water and sewer systems. See the system tables that follow for details and explanatory notes.

- No authority indicated.

TABLE 4-1 (continued)

(a) Regulated as investor-owned systems under certain conditions.

(b) Not available; the commission's jurisdiction is limited.

(c) Counted as cooperatives. In Mississippi, cooperatives and homeowners' associations are both regarded as "nonprofit associations" and considered identical. The commission's jurisdiction over these systems is limited.

(d) Regulated as investor-owned systems.

TABLE 4-2

COMMISSION REGULATION OF INVESTOR-OWNED SEWER SYSTEMS

State	Number of Systems Regulated (a)			Scope of Commission Authority					
	Sewer Only	Water/ Sewer	Total	Certificates	Rates	Finances	Ownership	Complaints	Reporting
Alaska	4	2	6	X	X	-	X	X	X
Arizona	38	-	38	X	X	X	X	X	X
California	11	3	14	X	X	X	X	X	X
Connecticut	0	1	1(b)	X	X	X	X	X	X
Florida	84	176	260(c)	X	X	-	X	X	X
Hawaii	7	1	8	X	X	X	X	X	X
Illinois	13	23	36	X	X	X	X	X	X
Indiana	35	20	55	X	X	X	X	X	X
Kentucky	126	7	133	X	X	X	X	X	X
Louisiana	80	77	157	-	X	-	X	X	X
Maryland	0	8	8	X	X	X	X	X	X
Mississippi	70	-	70	X	X	X	X	X	X
Missouri	66	9	75	X	X	X	X	X	X
Nevada	0	5	5	X	X	X	X	X	X
New Hampshire	0	1	1(d)	-	X	X	X	X	X
New Jersey	23	1	24	-	X	X	X	X	X
New Mexico	8	-	8	X	X	X	X	X	X
North Carolina	41	52	93	X	X	X	X	X	X
Ohio	7	6	13	X	X	X	X	X	X
Pennsylvania	78	0	78	X	X	X	X	X	X
South Carolina	39	40	79	X	X	X	X	X	X
Tennessee	4	1	5	X	X	X	-	X	X
Texas	177(e)	-	177	X	X	-	X	X	X
Utah	1	3	4	X	X	X	X	X	X
Virginia	7	12	19	X	X	X	-	X	X
West Virginia	37	5	42	X	X	X	X	X	X
Wisconsin	1	-	1	X	X	X	X	X	X
TOTAL	957	453	1,410	24	27	23	25	27	27

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6.

- No authority indicated.

(a) Twenty-seven commissions have authority to regulate investor-owned sewer systems and twenty-two regulate investor-owned combination water and sewer systems.

TABLE 4-2 (continued)

(b) The Connecticut DPUC regulates sewer systems only when the sewer utility is investor-owned and discharges treated effluent to a river or stream.

(c) The Florida PSC includes regulated homeowners' associations in its totals for investor-owned systems and makes no distinction between these two types.

(d) A 1987 New Hampshire law requires PUC regulation of investor-owned sewer systems. The law is currently being implemented, and the number of regulated systems is expected to increase.

(e) This number includes homeowners' associations, which are considered investor-owned systems in Texas.

TABLE 4-3

COMMISSION REGULATION OF MUNICIPAL SEWER SYSTEMS

State	Number of Systems Regulated (a)			Scope of Commission Authority					
	Sewer Only	Water/ Sewer	Total	Certificates	Rates	Finances	Ownership	Complaints	Reporting
Alaska	1	1	2(b)	X	-	-	-	X	X
Maryland	0	0	0(c)	-	X	-	-	-	-
Pennsylvania	7	0	7(d)	X	X	-	-	X	X
Rhode Island	1	-	1	X	X	X	-	X	X
Texas	416	-	416	X(e)	X(f)	-	-	-	-
West Virginia	130	16	146	X	X(g)	X	X	X	X
Wisconsin	(h)	87	87(h)	-	X(h)	-	-	-	-
TOTAL	555	104	659	5	6	2	1	4	4

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6.

- No authority indicated.

(a) Seven commissions have authority to regulate municipal sewer systems. Five commissions have authority to regulate municipal combination water and sewer systems. Maryland has authority to regulate municipal and county systems, including combination systems, but currently has none of these types of systems under its jurisdiction.

(b) The Alaska PUC regulates municipal sewer systems only when the utility requests to be regulated.

(c) The Maryland PSC's authority extends to both municipal and county systems and is limited to rates for service supplied by one political entity to another upon request of the entity receiving the service.

(d) Municipal systems are regulated in Pennsylvania only if they provide service beyond their municipal boundaries, and then regulation is limited to only the service provided beyond the municipal boundaries.

(e) Certificates of Convenience and Necessity for municipal sewer systems are optional in Texas.

(f) Under certain circumstances, rates can be appealed to the commission for review.

(g) Rates set by municipal sewer systems can be appealed to the commission.

(h) The Wisconsin PSC has authority to regulate the rates, rules, and practices of all municipal sewer systems only if there is a complaint, and its regulation continues only until the complaint is resolved. The survey respondent believed it would be misleading to include these systems in the totals.

TABLE 4-4

COMMISSION REGULATION OF SEWER DISTRICTS

State	Number of Systems Regulated (a)			Scope of Commission Authority					
	Sewer Only	Water/ Sewer	Total	Certificates	Rates	Finances	Ownership	Complaints	Reporting
Kentucky	(b)	12	12	X	X	X	X	X	X
Mississippi	(c)	-	(c)	-	-	-	-	-	-
Texas	77	-	77	X(d)	X(e)	X	-	-	X
West Virginia	71(f)	9	80	X	X	X	X	X	X
TOTAL	148	21	169	3	3	3	2	2	3

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6.

- No authority indicated.

(a) Four commissions have authority to regulate sewer districts, although Kentucky only regulates sewer districts when they are part of combination water and sewer systems.

(b) Kentucky does not regulate sanitation districts but does regulate both the water and sewer portions of combination water and sewer districts.

(c) The Mississippi PSC has very limited authority over some sewer districts by a special act of the legislature. The survey respondent believed that the authority was so limited it would be misleading to include these sewer districts in the total number of regulated sewer districts.

(d) Certificates of Convenience and Necessity for sewer districts are optional in Texas.

(e) Under certain circumstances, rates set by sewer districts can be appealed to the commission for review.

(f) These are sewer districts or public service districts.

TABLE 4-5

COMMISSION REGULATION OF SEWER COOPERATIVES

State	Number of Systems Regulated (a)			Scope of Commission Authority					
	Sewer Only	Water/ Sewer	Total	Certificates	Rates	Finances	Ownership	Complaints	Reporting
Alaska	0	0	0	X	X	-	X	X	X
Indiana	10	2	12	X	X	X	X	X	X
Mississippi	23(b)	-	23(b)	X	-	-	-	X	-
Nevada	0	0	0	X	-	-	-	-	-
Texas	23	-	23	X	X(c)	-	-	-	-
West Virginia	0	0	0	X	X(d)	X	X	X	X
TOTAL	56	2	58	6	4	2	3	4	3

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6.

- No authority indicated.

(a) Six commissions have authority to regulate water and sewer cooperatives. Four commissions have authority to regulate combination water and sewer cooperatives. Alaska, Nevada, and West Virginia have none of these systems under their jurisdiction at the present time.

(b) Includes homeowners' associations. In Mississippi, cooperatives and homeowners' associations are both regarded as "nonprofit associations" and considered identical. The commission has very limited jurisdiction over these systems giving it only secondary responsibility of quality of service and area jurisdiction.

(c) Under certain circumstances, rates set by sewer cooperatives can be appealed to the commission for review.

(d) Rates set by sewer cooperatives can be appealed to the commission.

TABLE 4-6

COMMISSION REGULATION OF SEWER SYSTEMS OPERATED BY HOMEOWNERS' ASSOCIATIONS

State	Number of Systems Regulated (a)			Scope of Commission Authority					
	Water Only	Water/ Sewer	Total	Certificates	Rates	Finances	Ownership	Complaints	Reporting
Florida	(b)	(b)	(b)	X	X	X	X	X	X
Mississippi	(c)	-	(c)	X	-	-	-	X	-
Texas	(d)	-	(d)	X	X	-	X	X	X
West Virginia	0	0	0	X	X	X	X	X	X
TOTAL	0	0	0	4	3	2	3	4	3

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6.

- No authority indicated.

(a) Four commissions have authority to regulate sewer systems operated by homeowners' associations. Two commissions have authority to regulated combination water and sewer systems operated by homeowners' associations. West Virginia has none of these systems under its jurisdiction at the present time.

(b) The Florida PSC regulates homeowners' associations if all customers are not members of the homeowners' association or if a developer does not give up control of the homeowners' association when 50 percent of the lots are developed. These regulated homeowners' associations are not counted separately from the investor-owned systems.

(c) A total of 23 systems are counted as cooperatives. In Mississippi, cooperatives and homeowners' associations are both regarded as "nonprofit associations" and considered identical. The commission has very limited jurisdiction over these systems, with only secondary responsibility for service quality and area served.

(d) Texas regulates homeowners' associations as investor-owned systems and therefore these systems are counted as investor-owned systems.

TABLE 4-7

COMMISSION REGULATION OF OTHER SEWER SYSTEMS

State	Number of Regulated Systems (a)	Scope of Commission Authority					
		Certificates	Rates	Finances	Ownership	Complaints	Reporting
Kentucky	1 Sewer Association -and- 7 Combination Water and Sewer Associations	X	X	X	X	X	X
Ohio	0 Not-for-Profits (b)	X	X	X	X	X	X
Texas	0 Miscellaneous Political Subdivisions	X(c)	X(d)	-	-	-	-
TOTAL	8	3	3	2	2	2	2

Source: 1989 Survey on State Commission Regulation of Water and Sewer Systems, Question 6.

- No authority indicated.

(a) Three commissions have authority to regulate other types of sewer systems, although only Kentucky has such a utility under its jurisdiction at this time. For both Kentucky and Ohio, jurisdiction extends to combination water and sewer systems.

(b) This number is in flux. Ohio Senate Bill 337, which became effective in March 1988, requires regulation of not-for-profit sewer systems, including combination water and sewer systems operating on a not-for-profit basis. The law is presently being implemented.

(c) Certificates of Convenience and Necessity are optional for this type of utility in Texas.

(d) Under certain circumstances, rates set by these systems can be appealed to the commission for review.

SECTION V

1989 SURVEY ON STATE COMMISSION REGULATION OF WATER AND SEWER UTILITIES

The National Regulatory Research Institute **February 1989**

The National Regulatory Research Institute has been asked to study the deregulation of water utilities. This survey is the first step in developing a sampling frame from which cases can be selected for further research. Please return the completed survey by February 20, 1989 to:

Janice A. Beecher
Research Specialist, NRRI
1080 Carmack Road
Columbus, Ohio 43210-1002

Your Name: _____

Title: _____

Commission: _____

Phone: _____

PART I: INVESTOR-OWNED WATER UTILITIES

1. What is the overall status of your commission's regulation of investor-owned water utilities? In answering, do not consider (until question 2), exceptions based on minimum size, geographical, political, or other factors. Please check the appropriate line and provide dates where indicated.

Type of Commission Authority	As far back as can be recalled: Commission Has Always Had Authority( )	Commission Has Never Had Authority( )	Commission Added This Authority In (Year):	Commission Lost This Authority In (Year):
Issue and revoke certificates of convenience and necessity	_____	_____	_____	_____
Approve rates (rate design, rate of return, etc.)	_____	_____	_____	_____
Approve finances (issuance of stocks, bonds, etc.)	_____	_____	_____	_____
Approve changes in corporate ownership or structure	_____	_____	_____	_____
Process consumer complaints about rates or service	_____	_____	_____	_____
Require periodic reports from the water utility	_____	_____	_____	_____

2. Are some investor-owned water utilities exempt from commission regulation because they have:

(a) less than $ _____ in annual operating revenues
(b) less than _____ customers
(c) less than _____ connections
(d) geographic _____
or political _____
criteria _____
(specify): _____
(e) other _____
criteria _____
(specify): _____
(f) not applicable/no exemptions: _____

3. Are the exempt investor-owned water utilities (specified in question 2) totally exempt from any form of commission oversight (that is, they do not file tarriffs, annual reports, or anything else)?

(a) yes _____
(b) no _____ *If no, please explain:* _____

4. Have the exempt investor-owned water utilities (specified in question 2) always been exempt?

(a) yes _____
(b) no _____ *If no, please explain:* _____

5. Has your commission adopted procedures to "reduce" the regulation of investor-owned utilities under its jurisdiction (such as simplified filing requirements, reporting requirements, or rate case proceedings)?

(a) yes _____
(b) no _____

(c) If yes, what procedures are used? (Check all that apply and indicate when the procedure was adopted.)

	( )	*Year Adopted*
Simplified rate filing:	_____	_____
Simplified hearings:	_____	_____
Simplified reporting:	_____	_____
Other: _____		_____

PART II: SCOPE OF **PRESENT** COMMISSION REGULATION OF WATER UTILITIES, COMBINED WATER AND SEWER UTILITIES, AND SEWER UTILITIES

6. Does your commission presently have any authority over the following types of water and/or sewer utilities? How many of these utilities do you regulate? What is the scope of the commission's authority over these types of utilities?

Complete this part only for present regulation.
Leave blank spaces if not applicable/no authority.

Type of Utility & Ownership	Commission Authority: *(Yes or Don't Know)*	How Many of These Are Regulated? *(Number)*	Present Authority: ( ) CERTIFICATES	RATES	FINANCE	OWNERSHIP	COMPLAINTS	REPORTING
Water Utilities								
Investor-owned								
Municipal								
County								
Water districts								
Cooperatives								
Homeowners' associations								
Indian Tribes								
Fire Districts								
Other: _____								
Combined Water and Sewer Utilities								
Investor-owned								
Municipal								
County								
Water districts								
Cooperatives								
Homeowners' associations								
Indian Tribes								
Fire Districts								
Other: _____								
Sewer Utilities								
Investor-owned								
Municipal								
County								
Water districts								
Cooperatives								
Homeowners' associations								
Indian Tribes								
Fire Districts								
Other: _____								

PART III: SCOPE OF PREVIOUS COMMISSION REGULATION OF WATER UTILITIES, COMBINED WATER AND SEWER UTILITIES, AND SEWER UTILITIES

7. Did your commission previously have any authority over the following types of water and/or sewer utilities? In what year did regulation begin and when did it end? Appropximately how many of these utilities were regulated? Was was the scope of the commission's authority.

Complete this part only for discontinued regulation.
Leave blank spaces if not applicable/no authority.

Type of Utility & Ownership	Commission Authority: (Years that Regulation Began and Ended or Don't Know)	About How Many of These Were Regulated? (Number)	Previous Authority: ( ) CERTIFICATES	RATES	FINANCE	OWNERSHIP	COMPLAINTS	REPORTING
Water Utilities								
Investor-owned	____-____	_____	__	__	__	__	__	__
Municipal	____-____	_____	__	__	__	__	__	__
County	____-____	_____	__	__	__	__	__	__
Water districts	____-____	_____	__	__	__	__	__	__
Cooperatives	____-____	_____	__	__	__	__	__	__
Homeowners' associations	____-____	_____	__	__	__	__	__	__
Indian Tribes	____-____	_____	__	__	__	__	__	__
Fire Districts	____-____	_____	__	__	__	__	__	__
Other: _____	____-____	_____	__	__	__	__	__	__
Combined Water and Sewer Utilities								
Investor-owned	____-____	_____	__	__	__	__	__	__
Municipal	____-____	_____	__	__	__	__	__	__
County	____-____	_____	__	__	__	__	__	__
Water districts	____-____	_____	__	__	__	__	__	__
Cooperatives	____-____	_____	__	__	__	__	__	__
Homeowners' associations	____-____	_____	__	__	__	__	__	__
Indian Tribes	____-____	_____	__	__	__	__	__	__
Fire Districts	____-____	_____	__	__	__	__	__	__
Other: _____	____-____	_____	__	__	__	__	__	__
Sewer Utilities								
Investor-owned	____-____	_____	__	__	__	__	__	__
Municipal	____-____	_____	__	__	__	__	__	__
County	____-____	_____	__	__	__	__	__	__
Water districts	____-____	_____	__	__	__	__	__	__
Cooperatives	____-____	_____	__	__	__	__	__	__
Homeowners' associations	____-____	_____	__	__	__	__	__	__
Indian Tribes	____-____	_____	__	__	__	__	__	__
Fire Districts	____-____	_____	__	__	__	__	__	__
Other: _____	____-____	_____	__	__	__	__	__	__

PART IV: FOLLOW-UP

8. Does your commission have a written policy that favors reducing regulation or deregulation for water utilities currently under its jurisdiction?

(a) yes _____
(b) no _____

If yes, please submit relevant documentation.

9. Do you have <u>any</u> information on the impact of deregulation or reduced regulation upon water utilities, their ratepayers, or your commission? *(Please attach relevant documentation, including commission orders, administrative rules, policy studies, statistical data, utility reports, commission reports, and open memoranda.)*

10. Please use this space for additional comments.

Your assistance is greatly appreciated. The results of this survey will be made available to you by The National Regulatory Research Institute.

SECTION VI

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Dear Reader:

As a part of our ongoing effort to assess the usefulness of our studies and reports to the regulatory community, we have included this evaluation card for your possible use.

Please complete the card, detach, and mail it (free, self-addressed).

1. Was the information contained in the report clearly presented and in useful format?

2. If the report was helpful to you in your regulatory work, please check the appropriate box(es).

   Report provided additional background information.

   Report provided a new technique for addressing a regulatory issue or problem.

   Report was used in a regulatory proceeding or in preparing material for such a proceeding

   Other _____

3. Additional comments about report. _____

   _____

4. Please list particular issues or areas for future research by NRRI which you would find useful.

   _____

   _____

5. Did you send for this report?

6. Respondent information:

   Name (optional) _____

   Position _____

   Organization or
   Affiliation (optional) _____